

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEHU HAND,

Plaintiff,

VS.

MANAGEMENT AND TRAINING CORPORATION, et al.,

Defendants.

1:20-cv-00819-GSA (PC)

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS
(ECF No. 2.)**

**ORDER DIRECTING CLERK OF
COURT TO FORWARD ORDER TO
WARDEN OF FCI MENDOTA**

**ORDER REQUIRING PLAINTIFF TO
FILE COMPLETED APPLICATION
TO PROCEED IN FORMA PAUPERIS
OR PAY FILING FEE**

THIRTY (30) DAY DEADLINE

Jehu Hand (“Plaintiff”) is a federal prisoner **I.D. number 06494-104**, proceeding *pro se* in this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). On June 12, 2020, Plaintiff filed the Complaint commencing this action, together with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.)

Plaintiff's application to proceed *in forma pauperis* is incomplete. There is no certified copy of Plaintiff's trust account statement for the past six months attached to the application as the instructions require, nor is the certificate portion of the form dated, signed, or filled out by an authorized officer of the correctional institution. Plaintiff must submit a completed form, including a certified copy of his trust account statement, if he wishes the application to be considered.

Plaintiff has attached a declaration to his application in lieu of a trust account certification. In this declaration, Plaintiff declares under penalty of perjury that he has made a written request

1 for the required trust account certification and has not received any reply or acknowledgement
2 of receipt from FCI Mendota. (ECF No. 2, p. 3.) The Court finds that Plaintiff has made a good
3 faith attempt to obtain the required signature and trust account statement from his current
4 institution.

5 In light of Plaintiff's apparent difficulties in obtaining cooperation of prison staff to
6 complete the form and obtain a copy of his inmate trust statement, the Court finds it appropriate
7 to forward a copy of this order to appropriate staff at FCI Mendota.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. Plaintiff's motion to proceed *in forma pauperis* (ECF No. 2) is DENIED, without
10 prejudice;
- 11 2. The Clerk of the Court is directed to forward a copy of this order and Plaintiff's
12 motion, (ECF No. 2), to the Warden of FCI Mendota in Mendota, California, so
13 that the Warden shall be made aware of the difficulty Plaintiff is experiencing in
14 obtaining the information necessary to complete his application to proceed *in*
15 *forma pauperis*;
- 16 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file
17 the attached application to proceed *in forma pauperis*, completed and signed,
18 including a certified copy of his trust account statement for the past six months,
19 or in the alternative, pay the \$400.00 initial filing fee for this action;
- 20 4. No extension of time will be granted without a showing of good cause; and
- 21 5. **The failure to comply with this order will result in dismissal of this action
22 without prejudice.**

23 IT IS SO ORDERED.
24

25 Dated: June 19, 2020

26 /s/ Gary S. Austin

27 UNITED STATES MAGISTRATE JUDGE